

Jayanta Jadav

Vs

The State of West Bengal

Writ Petition No. 1995 Of 1973

(M. H. Beg, Y. V. Chandrachud, R. S. Sarkaria JJ)

28.02.1974

JUDGMENT

CHANDRACHUD, J.-

1. The Petitioner challenges an order of detention passed against him by the District Magistrate, Burdwan, under the Maintenance of Internal Security Act, 1971.
2. The petitioner was detained under an order dated February 9, 1972, on the ground that he was acting in a manner prejudicial to the maintenance of supplies and services essential to the community. The particulars furnished to the petitioner show that on January 6, 1972 he and his associates committed theft of an electric copper wire and that on the 12th of the same month they indulged in a similar exercise. On the latter occasion, when challenged by the inhabitants of the area the petitioner and his associates hurled bombs at them.
3. The affidavit of the Deputy Secretary, Government of West Bengal, says that the petitioner was "a notorious copper wire criminal". It is urged that the petitioner had no opportunity to meet the allegation that he was "notorious". We see no substance in this contention because the particulars show that the petitioner was not a stray or casual stealer of copper wires. He and his associates had armed themselves with bombs and when they were challenged by the local people they had no hesitation in using the bombs. It is in the light of the circumstance that the petitioner is described in the affidavit as a "notorious copper wire criminal".
4. It is also contended that the petitioner is illiterate and since the order of detention was not explained to him orally in his own language he had no opportunity to make an effective representation. The affidavit of the Deputy Secretary shows that the vernacular translation of the detention order was supplied to the petitioner on the very day that the order of detention was served on him. Besides the petitioner had made his representation to the Government and had also appeared in person before the Advisory Board. It cannot therefore be said that the petitioner was not aware of the nature of allegations made against him.
5. Leaned Counsel for the petitioner relies upon the judgment of this Court in Writ Petitions Nos. 339 to 342 and 346 of 1969 dated December 18, 1969, but that case is, in our opinion, distinguishable. The judgment relied upon does not show that the detenues had appeared in person before the Advisory Board or that they had stated before the Board all that they wanted to say. In the instant case it is clear that the petitioner was not only aware of the allegations made against him but he attempted to meet them before the Board.

6. The petition therefore fails and must be dismissed.

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